

THE CITY OF NEW YORK
LAW DEPARTMENT

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June 30, 2008

BY HAND

Honorable Richard M. Berman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 650
New York, NY 10007-1312

MEMO ENDORSED
7.2

Re: Wingate v. New York City Department of Correction, et. al.
07-CV-8679 (RMB) (RLE)

Dear Judge Berman:

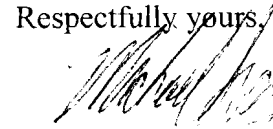
I am the Assistant Corporation Counsel assigned to the above-referenced action. I write to respectfully request that defendants'¹ time to respond to plaintiff's opposition to defendants' motion to dismiss be extended two business days to July 2, 2008. This is defendants' second request for an extension of time to submit a reply in this matter. As plaintiff is incarcerated and proceeding *pro se*, I am unable to obtain his consent prior to making this request.

Defendants served a motion to dismiss in this matter on February 29, 2008. In early June, Your Honor's law clerk, Lucas Moskowitz forwarded a copy of plaintiff's opposition papers to this office. I returned to the office on June 16, after having been out for 5 weeks following surgery. The additional time is necessary to draft a reply to plaintiff's opposition. Accordingly, for the reasons set forth above, defendants respectfully request that their time to submit reply papers be extended two business days to July 2, 2008.

¹ Upon information and belief, named defendants "Deputy Barnett" and "C.O. Atherly" have not been served with plaintiff's Summons and Complaint.

Thank you for your courtesy and consideration of defendants' request for an extension in this matter.

Respectfully yours,



Michael Suarez (MS 5038)
Assistant Corporation Counsel

cc: Blake Wingate
11-11 Hazen Street
East Elmhurst, New York 11370

<u>Application granted.</u>	
SO ORDERED:	
Date: <u>7/1/08</u>	<u>Richard M. Berman</u>
	Richard M. Berman, U.S.D.J.